

NAKATSUKA *et al.*  
Application No. 09/986,771  
October 12, 2006



**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-6, 8-14, 16-27 and 29-44 are pending in this application.

**Information Disclosure Statement (IDS):**

An Information Disclosure Statement (IDS) was filed on February 18, 2005. A copy of the Form PTO-1449 of that IDS is attached hereto for the Examiner's convenience. Applicant again respectfully requests that the Form PTO-1449 be fully initialed as an indication that the cited documents have been considered, and then returned to the undersigned.

**Rejection Under 35 U.S.C. §103:**

Claims 1-6, 8-14, 16-27 and 38-43 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Sonoda (U.S. '850) in view of Metke et al (U.S. '668, hereinafter "Metke"). Applicant respectfully traverses this rejection.

In order to establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. The combination of Sonoda and Metke fails to teach or suggest all of the claim limitations. For example, the combination fails to teach or suggest "having, in response when the game is synchronously started, said display display information about the operation timings of said operation switches to be operated by the player based on said operation timing data (emphasis added)," as required by independent claim 1

and its dependents. Independent claims 13-14 and 26 and their respective dependents require a similar (but not necessarily identical) feature.

Sonoda discloses a system of setting up competitive video game fights between different ones of a plurality of different video game units (1GL, 1GR...4GL, 4GR). The plurality of videogame units in Sonoda are connected in a ring configuration. When a player operating a particular video game unit is willing to accept a challenge for a competitive game, that video game unit will provide "competitive game desired" status data in a specific position within packet data. Other video game units can identify and receive this status data based on its position within a received data packet. This status information will be displayed on the display screen of the other videogame units (see Fig. 6). For example, the status information of 2GL (21), 3GL (22) and 3GR (23) is shown in the display screen of another videogame unit in Fig. 6. A user may initiate processing to set up a competitive videogame fight by selecting a region (21-22) with a cursor.

Page 4 of the Office Action admits "Sonda (sic - Sonoda) lacks in disclosing all of the specific timing data." Applicant agrees with the Office Action's admission that Sonoda lacks "all of the specific timing data." In particular, the display screens of Figs. 2A-2B show a fighting scene involving two characters. These screens display no information regarding the operation timings of switches to be operated by the player. There is no timing information for

example shown in Figs. 2A-2B informing the player when to operate a switch or button to control the videogame character to kick, punch, use a weapon, etc.

The “Response to Arguments” section (pages 5-6) of the Office Action apparently alleges that Metke discloses the above noted limitation of claim 1. In particular, the Examiner alleges that “all of the specific timing data” is disclosed in columns 1-9 -- a fairly wide range.

The “Response to Arguments” section (pages 5-6) of the Office Action also alleges that col. 8 lines 52-63 and/or col. 17, lines 27-64 of Metke discloses the above noted limitation.

Col. 8, lines 52-63 of Metke states the following:

This is in contrast, for example, to a single or standalone game unit wherein the controller looks at all of the player input and determines the next state. Here, the next state cannot be fully determined until the input from all of the players in the multi-system game have been received. In the embodiment illustrated, the software for carrying out the state sync method is resident in the CPU or other central control unit of each individual game unit. That is, each game unit to be linked by the network of the invention is equipped with appropriate networking hardware and software both for linking through the routers 18 to the network and for carrying out the state sync method as described above (emphasis added).

This portion of Metke merely discloses generating a next game state (which will presumably be later displayed) based on all of the players’ input. But merely generating and displaying the next screen of game play based on the past users’ inputs does not display information about the operation timings of said operation

switches to be operated by the player based on said operation timing data. Again, claim 1 requires, *inter alia*, “having, in response when the game is synchronously started, said display display about the operation timings of said operation switches to be operated by the player based on said operation timing data.”

Col. 17, lines 27-64 of Metke states the following:

“Referring to FIG. 12a, at the top right hand corner, competition requests are transmitted by a game unit every second. At reference numeral 1201, if the promotion criteria are met, state is created, bandwidth reserved, and the player promoted. The competition states are initially idle in the example of FIG. 12, until competition requests are received. A game unit will initially send a competition request without specifying a requested world to locate information regarding pending competitions. A COMP status message is returned until the player selects a world, as indicated at 1202. At this point, the competition state is pending. That is, upon receipt of a first COMP request with a selected world, a competition is created, and the state is changed to pending, however, a COMP status message is still returned.

At reference numeral 1203, a second player at another game unit joins the competition in the same world selected by the first player. The competition now enters the staging state wherein a stage-wait timer is initialized and a COMP setup message is returned to all games in the competition. At this state, each competition request is responded to with a COMP setup message. Once each BWM or the stage-wait timing expires, the state is changed to closed, a close-wait timer is initialized and a COMP\_CLOSE message is returned to all games in the competition. At this point, each new competition request will be responded to with a COMP\_CLOSE message. BWM\_ADJUST will take place after closing the competition. The competition state is now active, after the close-wait timer expires. Reference numeral 1204 indicates a broken connection wherein the message is lost, and the game unit retransmits a competition request.

Referring to FIG. 13, at 1301, access rights are granted to a player and the player is passed to a USBWM. At 1302, the USBWM tracks promotions and passes a COMP\_OVER message to the next level. At reference numeral 1303 the CompServer initiates the COMP\_OVER acknowledgement once the data is stable. At 1304, competition teardowns cascade back through all promotion levels to ensure proper cleanup.”

It appears that the Office Action alleges that the timing associated with setting-up (coordinating) a competition between game units is actual gameplay. However, claim 1 requires “...in response when the game is synchronously started, said display display information about the operation timings of said operation switches to be operated by the player based on said operation timing data.” Setting up and coordinating a competition does not disclose the actual competition itself. Moreover, if this coordination in timing in Metke discloses the operation timings as alleged by the Office Action, it is unknown how this could be used to modify Sonoda’s fighting or how this is consistent with the Office Action’s allegation that Sonoda correlates the stored timing data. (See below).

Independent claim 1 further requires a “prompt information storage section for storing operation timing data previously defining an operation timing of said operation switches to be operated by the player.” Independent claims 13, 14, 26, 27 and 40 require similar, but not necessarily identical features. Through these features and corresponding display of information about operation timings of operating switches to be operated by the player, a player may be instructed as to when (an operation timing) a user should operate at least one of the operation

switches. The Sonoda/Metke combination fails to teach or suggest these limitations. In Sonoda and Metke, an operation timing itself is not instructed to the player.

Independent claim 1 further requires “correlation evaluation section for evaluating, per predetermined unit, correlation in terms of game operation with said other game machines based on the data stored in said first operation timing storage section and said second operation timing storage section.” All other independent claims require a correlation evaluation of some sort. This feature of claim 1 relates to evaluating the correlation of operation timings in a game among a plurality of players. The “Response to Arguments” section (page 6) of the Office Action alleges that col. 10, lines 6-40 of Sonoda discloses this further limitation. Col. 10, lines 6-40 of Sonoda states the following (emphasis added):

“Here, in a competitive game, the characters (fighters) that generally appear in competition each have initially assigned parameters. For instance, during the course of a game, if one character performs a prescribed action (for example, firing a gun, etc.) with respect to the opponent character, and the timing matches prescribed conditions, then the parameter value of the former character is increased, whilst the parameter value of the opponent character is reduced.

Thereby, when the previously set game conditions (game time, set number of games, etc.) have been completed, the outcome of the game is determined on the basis of the parameter values at the end of the game. In this embodiment, a program for determining the outcome is executed in the video game unit on the game master side (step S39).

At the game master, in executing this program for determining the outcome, decision data based on this

determination of the outcome is created (step S40), whereupon the decision data is transferred to the game slave side (step S41).

Therefore, on the game slave side and the game master side, the parameter values relating to the competition results for the character operated at that video game unit are changed and stored in the SRAM 103 (see FIG. 4) (steps S42, 43). The subsequent game is conducted on the basis of this stored data. Thereupon, the respective decision results are displayed at the game slave unit and the game master unit, and 'game over' is displayed.

The foregoing description related solely to one-against-one player games, but the present invention is not limited to this application. In other words, as described previously, a game can also be conducted by exchanging data in one-against-several player or several-against-several player situations. In this case also, data can be transmitted and received between the game units forming a configuration by means of the packet addresses."

In the above portion of Sonoda, there is no teaching of evaluating correlation in terms of game operation with said other game machines based on first and second stored operation timing data as required by claim 1. Indeed, there is no need to evaluate correlation between one character and its opponent character since there characters are fighting one another rather than cooperating or participating as a team. There is certainly no teaching or suggestion of evaluating the correlation based on the timing data of the respective opposing characters.

Sonoda's fighting videogame characters are in direct competition with each other. There is no team work or cooperation whatsoever and thus there is no need to evaluate correlation of game operation, let alone evaluate correlation of game operation based on operation timings. Metke fails to disclose this further

limitation. Accordingly, even if Sonoda and Metke were combined as proposed by the Office Action, the proposed combination would fail to teach or suggest this claim limitation.

Paragraph [0033] of the present specification describes “The music game described here is the one by which operation information (timings and types) of the operation switches 2 needed for playing the music is displayed on the screen of the display section 3, and the music will be correctly played by the player’s sequentially operating any appropriate operation switches 2 in accordance with the display. In this music game, for example, the correctness of the music play and harmoniousness at any part supposed to be in unison are indicated by scores. Here, unison denotes determination of harmoniousness (a degree of coincidence among sound timings) of the play for any specific parts of the music.”

A game machine according to (amended) claim 1 requires prompt information storage section for storing operation timing data previously defining an operation timing of said operation switches to be operated by the player; a display controller for having, in response when the game is synchronously started, said display display information about the operation timings of said operation switches to be operated by the player based on said operation timing data; and a correlation evaluation section evaluates, per predetermined unit, correlation in terms of game operation with said other game machines based on the data stored



in said different operation timing storage section and said second operation timing storage section.

Since in the game machine of claim 1, operation is instructed at predetermined operation timings which are defined for respective game machines, operation timings to be operated by a player are not influenced by operation performed by other players. Therefore, the game machine according to claim 1 is capable of evaluating correlation in terms of game operation with other game machines per predetermined unit.

On the other hand, Sonoda discloses a competitive game (for example, see FIGS. 2A and 2B of Sonoda). Since the competitive game is operated at arbitrary timings by a player, Sonoda does not disclose the “prompt information storage section” and the “display controller” required by claim 1. Metke neither discloses nor suggests that a game machine has a display display information about operation timings of operation switches to be operated by a player and thus fails to resolve the deficiencies of Sonoda.

As shown at step S38 in FIG. 7 of Sonoda, player data is exchanged in a real-time manner and also evaluated in a real-time manner. In a competitive game like Sonoda, without evaluating a player’s operation in a real-time manner, it is impossible to have character have a fight against each other. Sonoda thus does not disclose the “correlation evaluation section” (that is, evaluating per predetermined unit) described in claim 1.

Furthermore, col. 2, lines 14-17 of Metke describes “networking video games which permits two or more players in different locations to engage in real time interactive play.” Similar to Sonoda, it is thus clear that Metke discloses a game in which a player’s operation is evaluated in a real-time manner. (See also Figs. 12a-12b of Metke). Accordingly, the combination of Sonoda and Metke fails to teach or suggest the “correlation evaluation section” described in claim 1.

Claim 2 (now rewritten in independent form) further requires “independent evaluation section for evaluating whether the timing based on the data stored in said first operation timing storage section is in a predetermined range from the timing based on said operation timing data.” Similar comments apply to dependent claim 16. In contrast, Sonoda discloses a competitive videogame and Metke discloses a system for networking videogames together. The combination of Sonoda and Metke therefore fails to disclose displaying operation timing data based on stored operation timing data, and evaluating whether the timing at which the user operates the operation switches coincides with the instructed operation timing.

**New Claim:**

New claim 44 has been added to provide additional protection for the invention. Paragraph [0036] of the present specification states that “Once the music ends, the main game machine 1 collects operation data recorded in step S312 from the sub game machine 1, and under a predetermined technique, applies

a unison evaluation process thereto including this own operation data (step S314).”

Accordingly, new claim 44, requires, inter alia:

“the second operation timing storage section acquires and stores, upon finishing the game, the data which is stored in said first operation timing storage section of said other game machines through communications via said communications section; and

the correlation evaluation section evaluates, upon finishing the game, correlation in terms of game operation with said other game machines based on the data stored in said first operation timing storage section and said second operation timing storage section.”

The game machine according to claim 44 is thus capable of evaluating correlation in terms of game operation with other game machines upon finishing the game. In contrast, Sonoda and Metke merely disclose a competitive game system which evaluates a player’s operation in a real-time manner. The combination of Sonoda and Metke thus fails to disclose the “second operation timing storage section” and the “correlation evaluation section” according to new claim 44.

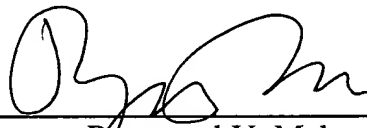
*NAKATSUKA et al.*  
*Application No. 09/986,771*  
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**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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